

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CAROL LEWIS,

Plaintiff,

V.

ALEX AZAR

Secretary, United States Department
of Health and Human Services,

Defendant.

Civil Action No.:
1:15-CV-13530-NMG

**DEFENDANT’S MOTION FOR EXTENSION TO RESPOND TO MOTION FOR
REQUEST FOR STATUS CONFERENCE**

Defendant requests an extension of two weeks to respond to Plaintiff's latest motion, a Motion captioned Motion for Hearing Request for Status Conference. Plaintiff's Motion for Hearing is, in fact, a memorandum setting forth additional arguments. These new arguments are in addition to the arguments that Plaintiff set forth in her previous eight memoranda on her claim for Medicare reimbursement. *See* Plaintiff's Memorandum in Support of Plaintiff's Motion for summary Judgment; Dkt. 49 (1/06/2017); Plaintiff's Opposition to HHS' Motion to Affirm HHS' Decision and Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment; Dkt 53 (March 17, 2017); as well as in Plaintiff's memoranda regarding opposition to Defendant's Motion to Dismiss. *See* Opposition to Motion for Summary Judgment; Dkt. 14 (March 3, 2016); Sur-Reply to Defendant's Reply Brief; Dkt. 30 (April 25, 2016); as well as her memoranda opposing Plaintiff's Objections to the Magistrate Judge's Report and Recommendations; Dkt. 38 (Sept. 14, 2016). In addition, Plaintiff set forth her arguments in her Motion to Alter or Amend Judgment, Dkt. 60 (filed September 18, 2017), in her Reply in Support of Plaintiff's First Motion to Alter or Amend Judgment and in Opposition of

Defendant's Opposition to Plaintiff's First Motion to Alter or Amend Judgment; Dkt. 64 (October 11, 2017), and in her Motion for Leave to Submit Notice of Subsequent Authority; Dkt. 68 (October 30, 2017).

Under these circumstances, Defendant suggests that the period for submission of additional arguments by Plaintiff has passed. Nevertheless, Defendant requests an extension of time to respond to Plaintiff's latest memorandum, should the Court wish to consider the arguments in Plaintiff's latest memorandum. The undersigned has been unable, due to preparation for an imminent trial, to prepare Defendant's response and obtain supervisory approval. She is able to file Defendant's response within the next two weeks.

Accordingly, she requests that the Court grant an extension until March 9, 2018, to file Defendant's response to what Plaintiff terms a "Motion for Hearing."

Respectfully submitted,

ANDREW E. LELLING

United States Attorney

/s/ Anita Johnson

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Certificate of Service

The foregoing will be filed through the electronic filing system of the Court, which system will serve counsel for Plaintiff electronically on this 23rd day of February 2018. The undersigned has only now attempted to contact counsel for Plaintiff regarding her position on this Motion. The undersigned will file her certificate regarding counsel for Plaintiff's position on this Motion on the next business day, February 26, 2018.

/s/ Anita Johnson